

U.S. and the COMMONWEALTH OF MASSACHUSETTS
ex rel. ZAPPALA, LANNA AND WOJCIK

REPLY BRIEF IN SUPPORT OF PETITION FOR
ATTORNEYS' FEES, COSTS AND EXPENSES

EXHIBIT E

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA and THE)	
COMMONWEALTH OF)	
MASSACHUSETTS, <i>ex rel.</i> STEPHEN M.)	
ZAPPALA, M.D., OLIVIA LANNA, M.D.)	
and ERIC WOJCIK,)	
Plaintiffs,)	CASE NO. 18-cv-12125-RGS
vs.)	
STEWART HEALTH CARE SYSTEM,)	
LLC, <i>et al.</i> ,)	
Defendants.)	

**FIRST SUPPLEMENTAL DECLARATION OF
REGINA D. POSERINA IN SUPPORT OF RELATORS’
PETITION FOR ATTORNEYS’ FEES, COSTS, AND EXPENSES**

I, Regina D. Poserina, do declare and state as follows:

1. I file this supplemental declaration in support of the Petition of Relators Zappala, Lanna and Wojcik for an Award of Attorneys' Fees, Costs and Expenses under the False Claims Act, 31 U.S.C. §3730(d)(1) and (2), and the parties’ Settlement Agreement. This declaration is based on my own personal knowledge, and all opinions expressed herein are genuinely held, based on my knowledge and experience. If called as a witness, I would testify competently to the following matters.

2. The bulk of the work I performed in this case relates to the FCA statutory fees provision, found at 31 U.S.C. § 3730(d), and negotiations with Defendants as to Relators’ right to statutory fees. I led Cohen Milstein’s fees, costs, and expenses negotiations with Defendants, including preparing a confidential mediation memorandum and attending the mediation with Magistrate Judge M. Page Kelley. I prepared Relators’ Petition for Attorneys’ Fees, Costs and Expenses, including the Reply Brief, and related documents. I reviewed and edited Relators’ timesheets for clarity and billing judgment, and redacted, removed, and

reduced time as necessary.

3. Attached to this Supplemental Declaration are true and correct timesheets for Cohen Milstein Sellers & Toll PLLC, and Arrowood, LLP evidencing work performed from July 17, 2023, to September 27, 2023, related to the Relators' Petition for Attorneys' Fees, Costs and Expenses, and the Reply Brief in support of the Petition.

4. Additional time records for work related to the Relators' Petition for Attorneys' Fees, Costs and Expenses and related documents reflecting time incurred after this date will be submitted at a later date.

I declare under penalty of perjury that the foregoing is true and correct.

Executed September 27, 2023.

Regina D. Poserina

Regina D. Poserina

Date	TKPR Name	Client	Client N Mat Action Desc	To/Bill H	Tobill Amt	Activity Desc	Narrative
8/9/2023	Azorsky, Gary, L.	31710	Steward Qui Fee Appl. & Proceedin	0.50	537.50		Review and revise declaration in support of motion for fees, costs and expenses
8/10/2023	Azorsky, Gary, L.	31710	Steward Qui Fee Appl. & Proceedin	0.20	215.00		Attend telephone conference with court re: fee application and recusal
8/10/2023	Azorsky, Gary, L.	31710	Steward Qui Fee Appl. & Proceedin	0.20	215.00		Telephone conference with S. Sousa re: strategy concerning recusal issue
8/10/2023	Azorsky, Gary, L.	31710	Steward Qui Fee Appl. & Proceedin	0.80	860.00		Communications with RDP, SS and LA re: fee application and recusal strategy
8/10/2023	Azorsky, Gary, L.	31710	Steward Qui Fee Appl. & Proceedin	0.40	430.00		Communications with S. Walters re: recusal issue and payment of costs and expenses.
8/11/2023	Azorsky, Gary, L.	31710	Steward Qui Fee Appl. & Proceedin	0.50	537.50		Communications with relators' counsel team re: recusal of judge and reassignment of case to J. Stearns
8/14/2023	Azorsky, Gary, L.	31710	Steward Qui Fee Appl. & Proceedin	0.30	322.50		Review Allergan fee order from C.D. Cal.; communication with RDP re: same
8/14/2023	Azorsky, Gary, L.	31710	Steward Qui Fee Appl. & Proceedin	0.20	215.00		Review notice of filing of pro hac motions; communications with S. Sousa and RDP re: same
8/14/2023	Azorsky, Gary, L.	31710	Steward Qui Fee Appl. & Proceedin	0.30	322.50		Communication with RDP re: expert fees
8/23/2023	Azorsky, Gary, L.	31710	Steward Qui Fee Appl. & Proceedin	0.30	322.50		Conference with RDP re: strategy, petition, declarations and brief
8/24/2023	Azorsky, Gary, L.	31710	Steward Qui Fee Appl. & Proceedin	2.50	3,117.50		Communications with RDP re: declarations; review and revise declaration
8/24/2023	Azorsky, Gary, L.	31710	Steward Qui Fee Appl. & Proceedin	0.70	752.50		Communications with RDP re: petition; review and edit petition for statutory fees
8/24/2023	Azorsky, Gary, L.	31710	Steward Qui Fee Appl. & Proceedin	3.50	3,762.50		Communications with RDP re: memorandum of law in support of petition for statutory fees; review and edit same
8/24/2023	Azorsky, Gary, L.	31710	Steward Qui Fee Appl. & Proceedin	0.80	860.00		Conference with JAM re: her declaration and strategy
8/25/2023	Azorsky, Gary, L.	31710	Steward Qui Fee Appl. & Proceedin	2.50	2,687.50		Conference with JAM re: her declaration; communications with RDP, L. Arrowood and S. Sousa re: memorandum of law
8/25/2023	Azorsky, Gary, L.	31710	Steward Qui Fee Appl. & Proceedin	1.50	1,612.50		Review and propose revisions to declaration
8/25/2023	Azorsky, Gary, L.	31710	Steward Qui Fee Appl. & Proceedin	2.50	2,687.50		Review revised petition, declarations and brief; communications with JAM and RDP re: same
8/29/2023	Azorsky, Gary, L.	31710	Steward Qui Contact with Client	0.40	430.00		Communications with O. Lanna, L. Arrowood and S. Sousa re: relator's share question
8/29/2023	Azorsky, Gary, L.	31710	Steward Qui Contact with Client	0.50	537.50		Telephone conference with O. Lanna re: payment issues
8/29/2023	Azorsky, Gary, L.	31710	Steward Qui Contact with Counsel	0.50	537.50		Communications with L. Arrowood and R. Dacres re: O. Lanna distribution
7/20/2023	Doehne, George	31710	Steward Qui Pleadings & Briefs	0.40	140.00		Production of affidavits for motions for Pro Hac Vice for R. Poserina
8/24/2023	Doehne, George	31710	Steward Qui Pleadings & Briefs	0.10	35.00		Creating redline of relators' petition document versions for G. Azorsky
8/25/2023	Doehne, George	31710	Steward Qui Pleadings & Briefs	3.30	1,155.00		Editing and formatting declarations for J. Markey and G. Azorsky; communication with J. Markey, G. Azorsky, and R. Sarala re: same
8/25/2023	Doehne, George	31710	Steward Qui Pleadings & Briefs	1.70	595.00		Editing/formatting TOA in petition memo for R. Poserina. Zoom with R. Poserina re: same
8/9/2023	Markey, Jeanne, J.	31710	Steward Qui Contact with Counsel	0.30	322.50		Confer with cocounsel re: morning hearing
8/17/2023	Markey, Jeanne, J.	31710	Steward Qui Fee Appl. & Proceedin	0.50	537.50		Gather info for G.P. + fee dispute
8/18/2023	Markey, Jeanne, J.	31710	Steward Qui Fee Appl. & Proceedin	0.30	322.50		Provide info. to G.P. for fee dispute
8/24/2023	Markey, Jeanne, J.	31710	Steward Qui Fee Appl. & Proceedin	2.20	2,365.00		Revised/draft the affidavit
8/25/2023	Markey, Jeanne, J.	31710	Steward Qui Fee Appl. & Proceedin	2.40	2,580.00		Revise and communicate with GA, GD + RS - JM affidavit supporting fees
7/19/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	4.10	3,895.00	Document Review	work on new fee list - PHV motion (1.8)
7/20/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	6.40	6,080.00		emails re: PHV with Sarah S (0.2); draft PHV and request for cert of good standing (2.0); attorney affidavits work
7/25/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	2.00	1,900.00		continued work on multiple affidavits
7/26/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	1.50	1,425.00		add work on reviewing new time sheets; discuss PHV with George (0.2)
8/1/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	0.10	95.00		Azorsky aff edits
8/2/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	1.10	1,045.00		cont edits to Gary aff
8/7/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	2.00	1,900.00		continued work to eliminate time from timesheets: reductions
8/9/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	0.10	95.00	Litigation Strategy	emails of George re: PHV and cert of good standing
8/9/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	1.40	1,330.00	Pleadings/Briefs/Pr	finalize outline for brief, add new caselaw
8/9/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	5.00	5,320.00	Pleadings/Briefs/Pr	review of mediation memo for info to include in brief (0.8); emails of Gary, Lisa re: issues on brief and petition (0.4); legal research re: cases on contracts for inclusion (2.2); outlining and editing
8/10/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	5.70	5,415.00	Pleadings/Briefs/Pr	work on brief: emails to Sarah S re: Prep of PHV (0.5); hearing and post hearing call with counsel (0.4); work on PHV (1.3); multiple emails of Lisa, Gary, Sarah re: judge and court letter; continue contract caselaw search and organizing (2.5)
8/11/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	2.40	2,280.00	Pleadings/Briefs/Pr	emails on new assignment judge (0.3); continue research, outlines and writing legal sections.
8/14/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	1.90	1,805.00		review new order in CD CA, continue edits to memo; re do TOC, pager log in for entry of appearance
8/15/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	3.40	3,230.00	Document Review	writing and editing argument sections, inserts of new arguments
8/16/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	6.20	5,890.00		cont writing and editing argument section (2.0), attorneys' fees emails of TAFnet, review and add info to arguments section, work on declarations
8/17/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	5.00	4,750.00	Document Review	declarations, for Gary and Suzanne
8/18/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	4.50	4,275.00	Pleadings/Briefs/Pr	work on TOC (0.7); review Ray's edits; additional info inserted in petition and rewrites in memo (2.4)
8/20/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	1.40	1,330.00	Pleadings/Briefs/Pr	review and edits from Ray's edits
8/21/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	5.20	4,940.00	Pleadings/Briefs/Pr	emails and calls with George re: word issues with brief (0.4); reviews to Azorsky dec. (0.5), Arrowood dec (0.4), call to Suzanne re: her dec (0.4); Durrell dec edits, Arrowood draft and edits (3.4)
8/22/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	3.30	3,135.00	Pleadings/Briefs/Pr	emails of Suzanne Durrell with additional documents (0.7); discuss briefing schedule with Gary A (0.2); Markey dec and Arrowood dec edits (1.8); discuss dec and edits with Suzanne D.
8/23/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	4.20	3,990.00	Pleadings/Briefs/Pr	emails of Suzanne re: addl info for Petition memo (0.2); add to Azorsky dec and edits to time chart in brief (0.6); edits to Durrell dec and discussions with Suzanne (1.3); review time entries for final reductions, discuss same with Gary (2.1)
8/24/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	4.40	4,180.00	Pleadings/Briefs/Pr	additions and edits to brief, send to Gary (1.0); call with Suzanne re her dec (0.2); Durrell final, create covers and apply to each document (0.8), Gary's revisions to all documents
8/25/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	6.50	6,175.00	Pleadings/Briefs/Pr	emails of Gary and Jeanne, edits to Poserina dec, send to Gary and Jeanne for review (0.9); emails to all re: brief edits, call with Gary; and edits to time entries (0.7); new time sheets entered, edits to TOA, discuss edits to word docs with Georg
9/1/2023	Poserina, Regina	31710	Steward Qui Contact with Counsel	0.70	665.00	Litigation Strategy	emails to and from Lisa, Gary and Sarah S re: local rules, responses, reply brief, and docket entries
9/13/2023	Poserina, Regina	31710	Steward Qui Other Discovery	0.40	380.00		search for emails, for Gary and Lisa discussions; discuss same with Gary
9/20/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	0.60	570.00	Litigation Strategy	ECP filing of opposition brief received; call with Gary to discuss initial issues
9/21/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	6.00	5,700.00	Pleadings/Briefs/Pr	receive and review opp brief, and compare with our brief (1.0); begin creation of outline to for reply brief, continue edits to outline, adding in addl info as needed: legal research (1.0)
9/22/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	0.40	380.00		caselaw searches and reviews; email of Lisa A re: my earlier email (0.1)
9/25/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	4.60	4,370.00	Pleadings/Briefs/Pr	begin draft of brief (3.3); caselaw research on block billing, travel time and other issues cited by Defendants (1.3)
9/26/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	4.20	3,990.00	Pleadings/Briefs/Pr	Work on reply brief: finalize edits for submission to Gary and Ray (2.1); discuss strategy with Gary and send brief (0.3); review edits by Gary and Ray, and add additional info (0.4); emails re: edits of Gary discussion of edits and need for addl i
9/27/2023	Poserina, Regina	31710	Steward Qui Fee Appl. & Proceedin	2.70	2,565.00	Document Review	review exhibits for accuracy; edits to declaration (1.7); review exhibits and final brief edits with Gary, (0.3); review timesheets to ensure accuracy and attach to Ex. E
8/18/2023	Sarala, Raymond	31710	Steward Qui Pleadings & Briefs	4.00	3,360.00		Review of R. Poserina memorandum in support of fee petition and supporting declarations; revisions to memorandum and corr. w/ team re: approach to same.
8/20/2023	Sarala, Raymond	31710	Steward Qui Contact with Counsel	0.10	84.00		Corr. w/ G. Azorsky, R. Poserina re: revisions to fee petition memorandum.
8/25/2023	Sarala, Raymond	31710	Steward Qui Pleadings & Briefs	1.00	840.00		Review and revisions to Markey Declaration and corr. w/ team re: finalizing same.
9/26/2023	Sarala, Raymond	31710	Steward Qui Pleadings & Briefs	1.70	1,428.00		Review of draft reply brief on fee petition; revisions to same; corr. w/ G. Azorsky and w/ R. Poserina and further changes to draft.
				135.50	127,827.00		

9/26/2023
5:12 PMArrowood LLP
Slip Listing

Page 1

Selection Criteria

Slip.Transaction Date 7/19/2023 - Latest
 Clie.Selection Include: Zappala/qui tam
 Slip.Transaction Type Time
 Slip.Classification Open

Rate Info - identifies rate source and level

Slip ID	Timekeeper	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Client		Bill Status	
Description	Reference			
159166 TIME	SSOUSA	0.10	\$375.00	\$37.50
7/19/2023	General	0.00	T	
WIP	Zappala/qui tam			
Email to R. Poserina regarding pro hac vice motions				
159674 TIME	LARROWOOD	0.30	\$750.00	\$225.00
8/9/2023	General	0.00	T	
WIP	Zappala/qui tam			
Numerous emails regarding filing for fees.				
159679 TIME	LARROWOOD	0.50	\$750.00	\$375.00
8/10/2023	General	0.00	T	
WIP	Zappala/qui tam			
Numerous emails regarding Burroughs recusal and regarding fee petition.				
160349 TIME	SSOUSA	0.70	\$375.00	\$262.50
8/10/2023	General	0.00	T	
WIP	Zappala/qui tam			
Attended Status Conference (telephonic); email to L. Arrowood regarding Conference; Revised attorneys' fees chart; emails to R. Poserina regarding costs.				
159962 TIME	LARROWOOD	0.20	\$750.00	\$150.00
8/11/2023	General	0.00	T	
WIP	Zappala/qui tam			
Emails regarding Judge Stearns as new judge.				
160358 TIME	SSOUSA	0.30	\$375.00	\$112.50
8/11/2023	General	0.00	T	
WIP	Zappala/qui tam			
Emails to R. Poserina regarding recusal, updated rates, pro hac vice motions; reviewed and revised pro hac vice motions				

9/26/2023
5:12 PMArrowood LLP
Slip Listing

Page 2

Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client		Bill Status	
Description		Reference			
160511	TIME	SSOUSA	0.40	\$375.00	\$150.00
8/14/2023		General	0.00	T	
WIP		Zappala/qui tam			
Revised Pro Hac Vice motions; Email to G. Azorsky, J. Markey regarding Judge Stearns.					
160523	TIME	SSOUSA	0.10	\$375.00	\$37.50
8/16/2023		General	0.00	T	
WIP		Zappala/qui tam			
Email to R. Poserina regarding breakdown of hourly work.					
159957	TIME	LARROWOOD	0.50	\$750.00	\$375.00
8/21/2023		General	0.00	T	
WIP		Zappala/qui tam			
Revise declaration in support of fee request.					
160535	TIME	SSOUSA	1.30	\$375.00	\$487.50
8/21/2023		General	0.00	T	
WIP		Zappala/qui tam			
Emails to R. Poserina responding to questions regarding entries on fees; email to L. Arrowood regarding attorneys' fees; reviewed revisions to attorneys' fees entries; revised L. Arrowood declaration in support of attorneys' fees.					
160548	TIME	SSOUSA	0.20	\$375.00	\$75.00
8/22/2023		General	0.00	T	
WIP		Zappala/qui tam			
Emails to L. Arrowood and R. Poserina regarding declaration of L. Arrowood .					
159945	TIME	LARROWOOD	0.20	\$750.00	\$150.00
8/23/2023		General	0.00	T	
WIP		Zappala/qui tam			
Emails regarding revised affidavit.					
160597	TIME	SSOUSA	0.20	\$375.00	\$75.00
8/23/2023		General	0.00	T	
WIP		Zappala/qui tam			
Emails to R. Poserina regarding L. Arrowood declaration, rates; email to L. Arrowood regarding rates.					
160254	TIME	LARROWOOD	1.10	\$750.00	\$825.00
8/25/2023		General	0.00	T	
WIP		Zappala/qui tam			
Work on attorneys' fee petition and brief and					

9/26/2023
5:12 PMArrowood LLP
Slip Listing

Page 3

Slip ID Dates and Time Posting Status Description	Timekeeper Activity Client Reference	Units DNB Time	Rate Rate Info Bill Status	Slip Value
numerous emails with team regarding same.				
160584 8/25/2023 WIP Email to R. Poserina regarding rates; reviewed and analyzed fee petition and related declarations.	TIME SSOUSA General Zappala/qui tam	1.30 0.00	\$375.00 T	\$487.50
160241 8/29/2023 WIP Numerous emails with O. Lanna with questions about tax reporting and information needed, emails with Azorsky regarding same, emails with C. Stitt regarding same.	TIME LARROWOOD General Zappala/qui tam	0.90 0.00	\$750.00 T	\$675.00
160602 8/29/2023 WIP Reviewed courtesy copy to ensure compliance with judge's request.	TIME SSOUSA General Zappala/qui tam	0.10 0.00	\$375.00 T	\$37.50
160556 9/11/2023 WIP Emails with team regarding timing of Steward response.	TIME LARROWOOD General Zappala/qui tam	0.20 0.00	\$750.00 T	\$150.00
160669 9/12/2023 WIP Emails with Poserina regarding Steward deadline.	TIME LARROWOOD General Zappala/qui tam	0.10 0.00	\$750.00 T	\$75.00
160938 9/20/2023 WIP Quick review of Steward response to fee petition.	TIME LARROWOOD General Zappala/qui tam	0.30 0.00	\$750.00 T	\$225.00
160968 9/20/2023 WIP Emails to L. Arrowood regarding Steward opposition to petition for fees.	TIME SSOUSA General Zappala/qui tam	0.10 0.00	\$375.00 T	\$37.50
160963 9/22/2023 WIP Review McDermott brief and emails with R.	TIME LARROWOOD General Zappala/qui tam	0.50 0.00	\$750.00 T	\$375.00

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Arrowood LLP
Slip Listing

Page 4

Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client		Bill Status	
Description		Reference			
<hr/>					
Poserina	regarding same.				
160969	TIME	SSOUSA	0.10	\$375.00	\$37.50
9/26/2023		General	0.00	T	
WIP		Zappala/qui tam			
Reviewed and analyzed draft of Reply to opposition to petition for fees.					
<hr/>					
Grand Total					
		Billable	9.70		\$5,437.50
		Unbillable	0.00		\$0.00
		Total	9.70		\$5,437.50
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